

July 3, 1975

## Patent Function of A. H. Robins Company

Information obtained from an interview of Mr. William King,  
Chief Patent Counsel, July 2, 1975

A. H. Robins Company is a pharmaceutical company with gross revenues in 1974 of \$210,000,000. Most of this comes from ethical and proprietary drugs. A small part comes from nonpharmaceutical business such as Sargent's flea collars, chap stick, and a speciality line of perfumes.

Robins has a relatively small patent program, filing approximately 20 cases per year with the U.S. Patent Office. They do fairly extensive foreign filing, often as many as 40-45 countries amounting to approximately 300 to 400 foreign filings per year. They have a limited number of trademarks but a fairly extensive licensing and contract business resulting from their patented pharmaceutical formulations.

The patent group consists of Mr. William King, Chief Patent Counsel, a second patent attorney, and two patent agents, one of whom specializes in liaison with the R&D group and the other one devoting most of his time to filing, preparation, and prosecution of patent applications. In addition, they have an administrative assistant who handles trademark filings. They have three secretaries who handle the secretarial and clerical work of the department.

The 1975 budget for this program is \$375,000 of which \$155,000 goes to internal salaries, \$144,000 into the direct filing of foreign filings and maintenance fees, and \$76,000 paid to outside firms for special patent prosecution, interference, and infringement litigation. Approximately 90% of their filings yield patents. Most of these are composition of matter patents based on organic compounds prepared in their research department for possible drug use.

The patent group is in the same building as the Director of Research who reviews all invention records, makes decisions as to whether or not to patent, and sends the disclosure to the patent department. The time period from submission of the disclosure to filing of the patent varies --having been as short as three weeks in one case and usually not more than six months in more complicated and involved cases.

Mr. King offered some very interesting gratuitous remarks about the relationships between outside patent firms and their company as a client. Prior to his association with A. H. Robins he was working with Rockwell International who employed a single legal patent firm to do all of its work.

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He said that when an outside firm has exclusivity with a captive client they tend to put aside the captive client's work in order to give immediate response to competitive work. (This seems to be the situation we are encountering with Watson, Leavenworth, Kelton, and Taggart). Furthermore, when the patent firm is completely familiar with the client's field of knowledge they have a tendency to do additional research which, of course, is charged back to the client as part of the fee. At Robins they aim to do their own research in order to avoid dependence on an outside patent firm.

Robins deals with different patent firms in order to take advantage of the competition between them, giving work to those firms where expertise resides. (The practice of using competing patent firms is also employed by Reynolds Metals probably for similar reasons). Mr. King also said that old timers in the patent firm will tend to chop off newcomers in the corporation client simply to protect their business, using their advantage of greater experience and familiarity with the business. "Patent preparation, filing, and prosecution is the bread and butter of the outside patent firm and they will go to any lengths to protect it."

I asked Mr. King if abandonment of 40% of the patents applied for could be considered normal attrition. He responded that he thought it was much too high and that either the patents were filed in haste or the patenting firm avoided appealing the rejections because it usually amounts to a great deal more work than simple filing.

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